## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

CHAMPION WINDOW MANUFACTURING AND SUPPLY CO., LLC Employer

and

Case 9-RC-18299

IRON WORKERS SHOPMEN'S LOCAL UNION NO. 468 Petitioner

## **ORDER**

Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review. In denying review, the Board agrees with the Regional Director that the petitioned-for unit is appropriate on community of interest grounds. We therefore agree with the Regional Director that it is unnecessary to rely on the single plant presumption in deciding whether the petitioned-for unit is appropriate. Contrary to the request for review, the single facility and single plant presumption are inapplicable to the Employer's proposed unit (consisting of its employees as well as those of both Champion Door Manufacturing and Enclosure Suppliers) because the Board has long applied the single facility or single plant presumption only to the petitioned-for unit. See e.g., Hilander Foods, 348 NLRB 1200, 1204 n. 12 (2006)(precedent relied on by employer is inapplicable because the precedent did not involve a petitioned-for single facility unit and, therefore, no presumption of appropriateness was applicable); cf. Capitol Coors, 309 NLRB 322 n.1 (1992), citing NLRB v. Carson Cable TV, 795 F.2d 879, 886-887 (9th Cir. 1986)(single facility presumption inapplicable when petitioner seeks multifacility unit). A presumption that the unit is an appropriate unit is not available to the Employer here where it necessarily argued that its proposed unit was the only appropriate unit. Accordingly, Employer's request for review is denied.

WILMA B. LIEBMAN, CHAIRMAN

CRAIG BECKER, MEMBER

MARK GASTON PEARCE, MEMBER

Dated, Washington, D.C., July 21, 2010.